

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 9/5/2023
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EAST COAST PLASTIC SURGERY, P.C.,	:	
	:	
Plaintiff,	:	1:23-cv-7560-GHW
	:	
-against-	:	<u>ORDER</u>
	:	
AETNA HEALTH AND LIFE INSURANCE	:	
COMPANY,	:	
	:	
Defendant.	:	
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GREGORY H. WOODS, United States District Judge:

Plaintiff commenced this action on August 25, 2023, alleging that Defendant: (1) engaged in breach of contract, Compl. ¶¶ 57–60; (2) was unjustly enriched in so doing, *id.* ¶¶ 61–67; (3) led Plaintiff to rely on Defendant’s promise to Plaintiff’s detriment, *id.* ¶¶ 68–75; and (4) fraudulently induced Plaintiff to enter into the agreement, *id.* ¶¶ 76–81. Under a section entitled “Jurisdiction and Venue,” the complaint alleges only that jurisdiction is proper. *Id.* ¶ 10. Neither this section, nor elsewhere in the complaint, does Plaintiff allege whether and, if so, why venue is proper in this district. *Id.*

Because Plaintiff’s and Defendant’s principal places of business are in New Jersey and Connecticut, respectively, and because it appears that all underlying actions at issue in this case occurred in the same locations, not this District, the Court issued an order to show cause as to why this case should not be transferred to the District of Connecticut on August 28, 2023. Dkt. No. 6. In that order, the Court noted that there “are no allegations in the complaint describing the occurrence of events or the residence of any defendant in the Southern District of New York.” *Id.* at 1–2. The Court also noted that “the Court is inclined to transfer this case to the District of Connecticut, where Defendant resides, pursuant to 28 U.S.C. § 1406(a).” *Id.* at 2. Finally, the order

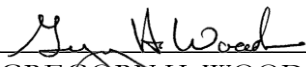
gave Plaintiff until no later than September 4, 2023 to show cause as to why the case should not be transferred to the District of Connecticut (or to consent to transfer). *Id.*; *see* 28 U.S.C. § 1406(a).

Plaintiff has not responded to the order to show cause. Because venue does not lie in this district, and the interest of justice weighs in favor of transferring the case to the district that encompasses the court identified as the proper venue, this case is hereby transferred under 28 U.S.C. § 1406(a) to the District of Connecticut.

The Clerk of Court is directed to transfer this case to District of Connecticut without delay. Plaintiff is directed to serve a copy of this order on Defendant and to retain proof of service.

SO ORDERED.

Dated: September 5, 2023  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge